

## REMARKS

Claims 1-46 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yarmey et al. (U.S. Patent No. 5,972,591).

The examiner has stated that:

“Yarmey et al. discloses a color photographic element and corresponding method of processing the same comprising developing the silver halide element with a color developer, and then bleaching and fixing or bleach/fixing the silver halide element, said photographic element characterized by comprising gelatin, a support bearing at least one dye image forming unit selected from a dye image forming unit comprising at least one red sensitive silver halide emulsion layer having associated therewith a dye-forming coupler, a dye image forming unit comprising at least one green sensitive silver halide emulsion layer having associated therewith a dye-forming coupler, and a dye image forming unit comprising at least one blue sensitive silver halide emulsion layer having associated therewith a dye-forming coupler; and a polymer inclusive of the instant Formula P-1 (see abstract).

It would have been obvious to one of ordinary skill in the requisite art at the time the invention was made to utilize a polymer that falls within the structural formula disclosed in Yarmey et al. which meets the molecular weight requirement of the instant invention, with reasonable expectations of achieving, absent object evidence to the contrary, the advantages taught therein.”

Applicants respectfully traverse these rejections. Yarmey is directed toward use of a thickener for coating of photographic materials. In particular it is directed toward materials that enhance viscosity without increasing the amount of gelatin in a layer. The current invention does utilize a polymer that falls within the structural formula described by Yarmey (See P-1 as noted by the Examiner), however, the polymers described in Yarmey do not meet the molecular weight requirement of the current invention. Yarmey notes at the top of column 6 that the molecular weight of the polymer is generally 400,000 to 1,000,000, and more preferably 600,000 to 1,000,000. Consequently, Yarmey teaches away from the current invention, which requires a polymer having a molecular weight of less than 300,000.

In contrast to the materials of Yarmey, materials of the current invention desirably do not significantly increase the viscosity of silver halide melts. As noted in the specification on page 10, line 5-15:

“To achieve the objects of the present invention it is highly preferred that the combination of the amount of the invention polymer contained in any layer of the photographic element and the invention polymer molecular weight does not significantly increase the viscosity of the layer in which it is coated. In one embodiment the viscosity of the coating layer melt containing the

polymer is no more than 100 % higher than the viscosity of the same layer without the polymer. Preferably the viscosity of the layer containing the polymer is no more than 50 % higher than the viscosity of the same layer without the polymer, and most preferably no more than 10 % higher. Accordingly, the average molecular weight of the polymers useful in the present invention is less than about 300,000, and more preferably less than about 200,000."

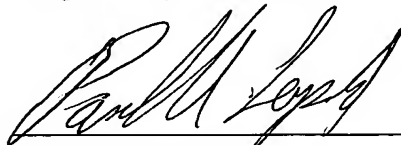
It should be noted that in the Examples in Yarmey, the viscosity of the coating increases by over 100 %.

Because the materials of the current invention do not significantly increase viscosity, they can be used at higher levels and in more layers relative to the materials of Yarmey. At these levels, the high molecular weight Yarmey material would likely cause the melts to become too viscous, resulting in poor coating quality. In contrast, the inventive materials, having a molecular weight of less than 300,000, afford improved photographic speed.

The Examples demonstrate the benefit of adding the inventive material to a photographic element. For instance, in Example 1 of the current application, comparison coating **101** includes small amounts of polymer P-1 having an average molecular weight greater than 300,000 daltons. Inventive coating **103** was constructed in the same manner as **101** except, in several layers, a certain amount of gelatin was replaced with polymer P-1 having an average molecular weight of 65,500 daltons. As can be seen from Table 1 of Example 1 of the specification, coating **103** demonstrated a significant speed increase relative to coating **101**. This is completely unexpected based on the teachings of Yarmey.

Accordingly, it is respectfully requested that the claims be allowed and the rejection under 35 U.S.C. 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,



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